

Sponsored By: Senator(s) Bouchard, Driskill, Hicks, Meier and Moniz and Representative(s) Barlow, Biteman, Blackburn, Blake, Burkhardt, Clem, Edwards, Gray, Hallinan, Halverson, Jennings, Laursen, Lindholm, Lone, Miller, Olsen, Piiparinen, Salazar, Steinmetz and Winters

AN ACT relating to crimes and civil liability; establishing and modifying when defensive force can be used; establishing when no duty to retreat exists; providing immunity from civil liability for reasonable use of defensive force; providing for an award of costs if a civil lawsuit is filed as specified; providing a definition; providing conforming amendments; and providing for an effective date.

2/5/2018 Bill Number Assigned
 2/9/2018 S Received for Introduction
 2/16/2018 S Introduced and Referred to S05 - Agriculture 24-5-1-0-0

ROLL CALL

Ayes: Senator(s) Baldwin, Barnard, Bebout, Boner, Bouchard, Burns, Case, Christensen, Coe, Dockstader, Driskill, Ellis, Emerich, Hicks, Kinskey, Landen, Meier, Moniz, Nethercott, Pappas, Perkins, Peterson, Scott, Wasserburger

Nays: Senator(s) Anderson, Anselmi-Dalton, Hastert, Rothfuss, Von Flatern

Excused: Senator Agar

Ayes 24 **Nays** 5 **Excused** 1 **Absent** 0 **Conflicts** 0

2/22/2018 S05 - Agriculture:Recommend Do Pass 5-0-0-0-0

ROLL CALL

Ayes: Senator(s) Barnard, Emerich, Hicks, Meier, Moniz

Ayes 5 **Nays** 0 **Excused** 0 **Absent** 0 **Conflicts** 0

2/22/2018 S Placed on General File

2/23/2018 S COW:Passed

2/27/2018 Motion to suspend SR 8-1:Passed 30-0-0-0-0

ROLL CALL

Ayes: Senator(s) Agar, Anderson, Anselmi-Dalton, Baldwin, Barnard, Bebout, Boner, Bouchard, Burns, Case, Christensen, Coe, Dockstader, Driskill, Ellis, Emerich, Hastert, Hicks, Kinskey, Landen, Meier, Moniz, Nethercott, Pappas, Perkins, Peterson, Rothfuss, Scott, Von Flatern, Wasserburger

Ayes 30 **Nays** 0 **Excused** 0 **Absent** 0 **Conflicts** 0

SF0071S2001/FAILED

Page 4-line 19 After "reasonable" delete "attorney fees".
 Page 4-line 20 After "court costs" delete balance of line.
 Page 4-line 21 Delete entirely.
 Page 4-line 22 Delete "action"; after "reasonable" insert "defensive". PERKINS

ROLL CALL

Ayes: Senator(s) Anselmi-Dalton, Baldwin, Burns, Emerich, Hastert, Rothfuss, Von Flatern

Nays: Senator(s) Agar, Anderson, Barnard, Bebout, Boner, Bouchard, Case, Christensen, Coe, Dockstader, Driskill, Ellis, Hicks, Kinskey, Landen, Meier, Moniz, Nethercott, Pappas, Perkins, Peterson, Scott, Wasserburger

Ayes 7 **Nays** 23 **Excused** 0 **Absent** 0 **Conflicts** 0

SF0071S2002/ADOPTED

Page 1-line 3 Delete "the opportunity to retreat may be".
Page 1-line 4 Delete "considered" and insert "no duty to retreat exists"; delete "criminal or".
Page 1-line 7 After "definition;" insert "providing conforming amendments;".
Page 1-line 12 Delete entirely.
Page 2-lines 2 through 22 Delete entirely.
Page 3-lines 1 through 10 Delete entirely.
Page 3-line 12 Delete "**Section 2.**" and insert "**Section 1.**"; after "and" delete balance of line.
Page 3-line 13 Delete entirely and insert "6-2-602".
Page 4-lines 2 through 6 Delete entirely.
Page 4-line 8 Delete "(c)" and insert "(b)".
Page 4-line 13 Delete "unless the".
Page 4-lines 14 through 17 Delete entirely and insert "if he proves by a preponderance of the evidence that he used reasonable defensive force under W.S. 6-2-602.".
Page 4-line 19 Delete "(d)" and insert "(c)".
Page 4-line 22 After "reasonable" insert "defensive".
Page 5-after line 5 Insert:

"(a) The use of defensive force is reasonable when it is the defensive force that a reasonable person in like circumstances would judge necessary to prevent an injury or loss, and no more, including deadly force if necessary to prevent imminent death or serious bodily injury to the person employing the deadly force or to another person.

~~(a)~~ (b) A person is presumed to have held a reasonable fear of imminent peril of death or serious bodily injury to himself or another when using defensive force ~~that is intended or likely to cause death or serious bodily injury to another, including deadly force~~ if:

(i) The intruder against whom the defensive force was used was in the process of unlawfully and forcefully entering, or had unlawfully and forcibly entered, another's home or habitation or, if that intruder had removed or was attempting to remove another against his will from his home or habitation; and

(ii) The person who uses defensive force knew or had reason to believe that an unlawful and forcible entry or unlawful and forcible act was occurring.

~~(b)~~ (c) The presumption set forth in subsection ~~(a)~~ (b) of this section does not apply if:

(i) The person against whom the defensive force is used has a right to be in or is a lawful resident of the home or habitation, such as an owner, lessee or titleholder, and there is not an injunction for protection from domestic violence or a written pretrial supervision order of no contact against that person;

(ii) The person sought to be removed is a child or grandchild, or is otherwise in the lawful custody or under the lawful

guardianship of, the person against whom the defensive force is used;
or

(iii) The person against whom the defensive force is used is a peace officer or employee of the Wyoming department of corrections who enters or attempts to enter another's home or habitation in the performance of his official duties.

~~(e)~~(d) A person who unlawfully and by force enters or attempts to enter another's home or habitation is presumed to be doing so with the intent to commit an unlawful act involving force or violence.

(e) A person who is attacked in any place where the person is lawfully present shall not have a duty to retreat before using reasonable defensive force pursuant to subsection (a) of this section provided that he is not the initial aggressor and is not engaged in illegal activity."

Page 5-line 7 Strike "(d)" and insert "(f)".

Page 5-after line 7 Insert:

"(iii) "Deadly force" means force that is intended or likely to cause death or serious bodily injury."

Page 5-lines 9 through 23 Delete entirely.

Page 6-lines 1 through 3 Delete entirely.

Page 6-line 5 Delete "**Section 3.**" and insert "**Section 2.**".

PERKINS

ROLL CALL

Ayes: Senator(s) Anderson, Anselmi-Dalton, Baldwin, Bebout, Boner, Burns, Case, Coe, Dockstader, Ellis, Emerich, Hastert, Hicks, Kinskey, Landen, Nethercott, Pappas, Perkins, Rothfuss, Scott, Von Flatern, Wasserburger

Nays: Senator(s) Agar, Barnard, Bouchard, Christensen, Driskill, Meier, Moniz, Peterson

Ayes 22 **Nays** 8 **Excused** 0 **Absent** 0 **Conflicts** 0

2/27/2018 S 2nd Reading:Passed

SF0071S3001/ADOPTED

Page 5-after line 5 In the Perkins second reading amendment (SF0071S2002/A) to this line, in subsection (a) created by that amendment, after "or to another person." insert "As used in this subsection, "necessary to prevent" includes a necessity that arises from an honest belief that the danger exists whether the danger is real or apparent.". MEIER, HICKS, PERKINS, BOUCHARD

SF0071S3002/ADOPTED

Page 5-after line 5 In the Perkins second reading amendment (SF0071S2002/A) to this line, in subsection (a) created by that amendment, after "The use of defensive force" insert "whether actual or threatened,".

Page 5-after line 5 In the Perkins second reading amendment (SF0071S2002/A) to this line, after subsection (e) created by that amendment, insert:

"(f) A person who uses reasonable defensive force as defined by subsection (a) of this section shall not be criminally prosecuted for that use of reasonable defensive force."

Page 5-line 7 Delete the Perkins second reading amendment (SF0071S2002/A) to this line; strike "(d)" and insert "(g)". SCOTT

2/28/2018 S 3rd Reading:Passed 23-7-0-0-0

ROLL CALL

Ayes: Senator(s) Agar, Baldwin, Barnard, Bebout, Boner, Bouchard, Case, Christensen, Coe, Dockstader, Driskill, Ellis, Hicks, Kinskey, Landen, Meier, Moniz, Nethercott, Pappas, Perkins, Peterson, Scott, Wasserburger

Nays: Senator(s) Anderson, Anselmi-Dalton, Burns, Emerich, Hastert, Rothfuss, Von Flatern

Ayes 23 **Nays** 7 **Excused** 0 **Absent** 0 **Conflicts** 0

3/1/2018 H Received for Introduction
3/1/2018 H Introduced and Referred to H02 - Appropriations
3/6/2018 H02 - Appropriations:Recommend Do Pass 6-1-0-0-0

ROLL CALL

Ayes: Representative(s) Burkhart, Larsen, Nicholas, Sommers, Walters, Wilson

Nays: Representative Schwartz

Ayes 6 **Nays** 1 **Excused** 0 **Absent** 0 **Conflicts** 0

3/6/2018 H Placed on General File

SF0071HW001/WITHDRAWN

3/7/2018 H COW:Passed
3/8/2018 H 2nd Reading:Passed

SF0071H3001/FAILED (TO ENGROSSED COPY)

Page 2-line 20 Delete "shall" and insert "may". ZWONITZER

SF0071H3002/WITHDRAWN

SF0071H3003/ADOPTED (TO ENGROSSED COPY)

Page 3-after line 3 Insert:
"(d) If a person engaged in the use of defensive force recklessly injures or kills another whom the person did not intend to use reasonable defensive force against, civil immunity under this section shall not apply to the person's action as it relates to the injury or death." GIERAU

SF0071H3004/WITHDRAWN

3/9/2018 H 3rd Reading:Passed 51-9-0-0-0

ROLL CALL

Ayes: Representative(s) Allen, Barlow, Biteman, Blackburn, Blake, Brown, Burkhart, Clausen, Clem, Court, Crank, Edwards, Eklund, Eyre, Flitner, Furphy, Gray, Greear, Haley, Hallinan, Halverson, Harshman, Henderson, Hunt, Jennings, Kinner, Kirkbride, Larsen, Laursen, Lindholm, Lone, Loucks, MacGuire, Madden, Miller, Nicholas, Northrup,

Obermueller, Olsen, Paxton, Piiparinen, Pownall, Salazar, Simpson,
Sommers, Steinmetz, Stith, Sweeney, Wilson, Winters, Zwonitzer
Nays: Representative(s) Bovee, Byrd, Connolly, Dayton, Freeman,
Gierau, Pelkey, Schwartz, Walters

Ayes 51 **Nays** 9 **Excused** 0 **Absent** 0 **Conflicts** 0

3/10/2018 S Received for Concurrence

3/10/2018 S postponed indefinitely